

EXHIBIT F

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHEASTERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHARLES BOYLE,)
Plaintiff,)
vs.) No. 09 CH 1080
UNIVERSITY OF CHICAGO POLICE)
OFFICER LARRY TORRES, et al.,)
Defendants.)

The discovery deposition of
OSCAR GALARZA, taken in the above-entitled
cause, before Karen E. Dominick-Rigoni, a
Registered Professional Reporter of Cook County,
Illinois, on the 9th day of November, 2009, at
the hour of 2:29 p.m. at 222 North LaSalle
Street, Suite 300, Chicago, Illinois, pursuant
to notice.

Reported by: Karen E. Dominick-Rigoni, CSR, RPR
License No.: 084-004480

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1 APPEARANCES:
2 ED FOX & ASSOCIATES, By
3 MR. JONATHAN R. KSIAZEK
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Chicago, Illinois 60606
4 (312) 345-8877
5 Representing the Plaintiff;
6
7 HINSHAW & CULBERTSON, LLP, By
8 MR. STEVEN M. PUJSZIS
222 North LaSalle Street, Suite 300
Chicago, Illinois 60601
9 (312) 704-3000
10 - AND -
11 CITY OF CHICAGO - DEPARTMENT OF LAW
12 EMPLOYMENT AND POLICY LITIGATION
13 DIVISION, By
14 MS. HELEN GIBBONS
30 North LaSalle Street, Room 900
Chicago, Illinois 60602
15 (312) 742-3541
16 Representing the Defendants.

1 (Witness sworn.)
2 OSCAR GALARZA,
3 called as a witness herein, having been first
4 duly sworn, was examined and testified as follows:
5 EXAMINATION
6 BY MR. KSIAZEK:
7 Q. Good morning – or good afternoon
8 actually. Could you please state your name,
9 spelling the last name for the record.
10 A. First name Oscar, O-s-c-a-r, last name
11 Galarza, G-a-l-a-r-z-a.
12 Q. Mr. Galarza, my name is Jonathan
13 Ksiazek. I'm an attorney for the plaintiff in
14 this matter. I'm just going to be asking you
15 some questions regarding what happened on
16 October 18, 2008. Before I begin, have you ever
17 had a deposition taken before?
18 A. I have.
19 Q. Okay. When was the last time you had a
20 deposition taken?
21 A. A few years ago.
22 Q. What was the deposition taken in
23 regards with?
24 A. In the City of Chicago while I was

2

4

1 (Pages 1 to 4)

1 working for the City of Chicago.
 2 Q. Was that a lawsuit for the City of
 3 Chicago?
 4 A. No, sir.
 5 Q. Do you know how many years ago it was?
 6 A. A few years ago.
 7 Q. Okay. Well, I'm just going to remind
 8 you a few of the ground rules since it has been
 9 a few years since you have had your deposition
 10 taken. Like I said, I'm going to ask you a
 11 series of questions, and I ask that you answer
 12 the questions truthfully and to the best of your
 13 ability; is that fair?
 14 A. Yes, sir.
 15 Q. Okay. And when I'm asking these
 16 questions, you're going to have to answer
 17 verbally, so you're going to have to say yes or
 18 no or whatever the answer is instead of saying
 19 uh-uh or uh-huh, okay, just so the court
 20 reporter can pick up whatever testimony you're
 21 giving.
 22 A. Okay.
 23 Q. And I will do my best not to speak over
 24 you and I just ask that you not speak over me

1 somewhere down there.
 2 Q. Okay. Did you – after obtaining your
 3 associate's degree, did you immediately seek
 4 your bachelor's degree?
 5 A. It probably took me a year or so, a
 6 little longer maybe. I don't remember.
 7 Q. What were you doing within that year
 8 period after you obtained your associate's?
 9 A. Most likely I was working.
 10 Q. Where were you working?
 11 A. Oh, my God, I don't remember.
 12 Q. Okay. And where did you obtain your
 13 bachelor's degree from?
 14 A. Calumet College of St. Joseph in
 15 Whiting, Indiana.
 16 Q. How long did you attend St. Joseph?
 17 A. How long does it take for a bachelor's,
 18 maybe two years? Two years, two years plus
 19 maybe, yeah.
 20 Q. Do you know when you graduated from
 21 St. Joseph's?
 22 A. If I'm not mistaken –
 23 Q. I'm sorry, Calumet college.
 24 A. -- could be two thousand -- I graduated

5

7

1 when I'm asking a question or, like I said, I'll
 2 do my best not to step over you when -- or talk
 3 over you when you're giving your answer, but
 4 that's just for the benefit of the court
 5 reporter so we can have a clean transcript,
 6 okay?
 7 A. Okay.
 8 Q. And you understand that you're under
 9 oath today?
 10 A. Yes, sir.
 11 Q. And is there anything preventing you
 12 from testifying truthfully today?
 13 A. No.
 14 Q. Can you tell me about your educational
 15 history?
 16 A. I have an associate's in criminal
 17 justice. I have a bachelor's in law enforcement
 18 management, and I'm currently working on my
 19 master's in public safety administration.
 20 Q. Let's start with your associate's
 21 degree. Where did you get that from?
 22 A. City of Chicago, Wright College.
 23 Q. And when did you obtain that degree?
 24 A. Somewhere in maybe 1999, 2000, 2001,

1 maybe in 2006, somewhere down there. Maybe a
 2 little bit before, maybe after.
 3 Q. Okay. And where are you currently
 4 seeking your master's at?
 5 A. Same school, Calumet College of
 6 St. Joseph.
 7 Q. How long of a program is that?
 8 A. It's a two-year program.
 9 Q. How far are you into that?
 10 A. Halfway. I started in January, so I
 11 will be graduating December of 2010.
 12 Q. How long have you worked for the
 13 University of Chicago as a police officer?
 14 A. Since 2007, June or July of 2007.
 15 Q. Before working for the University of
 16 Chicago as a police officer, had you ever worked
 17 for any other police departments?
 18 A. Yes.
 19 Q. Which other ones?
 20 A. City of Chicago Aviation Police.
 21 Q. Is that it?
 22 A. Yes.
 23 Q. When did you work as – for the City of
 24 Chicago as aviation police?

6

8

2 (Pages 5 to 8)

1 A. I'm sorry?
 2 Q. When? What years did you work?
 3 A. I work for – from maybe 2006 to 2007.
 4 Q. So about a year?
 5 A. A little more than a year if I'm not
 6 mistaken. I know it was more than a year, less
 7 than two years.
 8 Q. Did you leave the aviation police with
 9 the City of Chicago to work for the University
 10 of Chicago?
 11 A. Yes, sir.
 12 Q. And was the aviation police job with
 13 the City of Chicago, was that your first job
 14 after graduating from Calumet College?
 15 A. No, sir.
 16 Q. Where else did you work?
 17 A. Chicago Fire Department, Internal
 18 Affairs Division, IAD.
 19 Q. How long did you work there for?
 20 A. I worked there from – it has to be
 21 from maybe 2005 to the time I started working
 22 for aviation police, somewhere in there.
 23 Q. When you worked for the City of Chicago
 24 Aviation Police, did you ever have any

1 BY MR. KSIAZEK:
 2 Q. Have you ever served in the military?
 3 A. No, sir.
 4 Q. Okay. And are you currently a patrol
 5 officer with the University of Chicago?
 6 A. Yes, sir.
 7 Q. And was that your rank in October
 8 of 2008?
 9 A. 2008?
 10 Q. In October 2008.
 11 A. Yes, sir.
 12 Q. What are your duties as a patrol
 13 officer?
 14 A. Protect the students and property of
 15 the University of Chicago, serve and protect.
 16 Q. Do you have an assigned beat that you
 17 work at the University of Chicago currently?
 18 A. Currently I've been working 241, but
 19 it's not something – I mean, I've been working
 20 for the past maybe two months, but nobody has a
 21 set beat. Any given time, you can work
 22 something else.
 23 Q. Do you recall what beat you were
 24 working on October 18, 2008?

9

11

1 discipline?
 2 A. No, sir.
 3 Q. You ever get written up?
 4 A. No, sir.
 5 Q. Officer, how tall are you?
 6 A. I'm sorry?
 7 Q. How tall are you?
 8 A. Five nine.
 9 Q. And how much do you weigh?
 10 A. Right now, about 215.
 11 Q. How much did you weigh on --
 12 MR. PUISZIS: No way.
 13 BY MR. KSIAZEK:
 14 Q. How much did you weigh in October
 15 of 2008, if you recall?
 16 A. No, I don't recall.
 17 Q. Is it about the same?
 18 A. I don't recall.
 19 MS. GIBBONS: It's all the muscle.
 20 MR. PUISZIS: Where do you pack it away?
 21 MS. GIBBONS: It's pure muscle.
 22 THE WITNESS: That's what my doctor told me a
 23 couple weeks ago I was about 200, 210, 215,
 24 something like that. I don't really remember.

1 A. Yes.
 2 Q. What beat was that?
 3 A. 101.
 4 Q. What are the boundaries of Beat 101?
 5 A. Back then it was from Cottage Grove to
 6 Shore Drive and from 39 to maybe 47 –
 7 47th Street.
 8 Q. Okay. And were you working with a
 9 partner on October 18, 2008?
 10 A. No, sir.
 11 Q. So you were driving a patrol car by
 12 yourself?
 13 A. Yes, sir.
 14 Q. Did your car have a computer in it –
 15 inside of it in October of 2008?
 16 A. No, sir.
 17 Q. So how would you go about getting
 18 information about a potential suspect without a
 19 computer in your car?
 20 A. Over the radio.
 21 Q. How did you have the occasion to come
 22 to 1435 East 53rd Street on the night of
 23 October 18, 2008?
 24 A. A call was placed over the air.

10

12

3 (Pages 9 to 12)

1 Q. Do you recall – this is from dispatch?
 2 A. Yes, sir.
 3 Q. Do you recall what the dispatch call
 4 said?
 5 A. For a 10-1.
 6 Q. Well, what's your understanding of what
 7 a 10-1 means?
 8 A. 10-1 is an officer who needs help right
 9 away.
 10 Q. Did the dispatch indicate where the
 11 10-1 was occurring?
 12 A. Yes.
 13 Q. Where was that?
 14 A. To the best of my knowledge, somewhere
 15 on 53rd and Blackstone.
 16 Q. Okay. Where were you located when you
 17 got this dispatch call?
 18 A. I was in the area of 47th and
 19 Lake Park.
 20 Q. How far away is that from 53rd and
 21 Blackstone?
 22 A. Walking distance? Driving distance?
 23 Q. Well, let's go with – let's go with
 24 driving distance.

1 Q. And then you told dispatch that you
 2 arrived on the scene?
 3 A. Yes.
 4 Q. Now, what did you first see as you
 5 arrived on the scene?
 6 A. I observed Officer Torres and
 7 Officer Moore wrestling with a male subject.
 8 Q. Okay. Let's go back. Where did you
 9 park your car?
 10 A. In the middle of the street with the
 11 lights on.
 12 Q. And where was Officer Moore and
 13 Torres's car located?
 14 A. Their car was parked on 53rd facing
 15 eastbound.
 16 Q. Was it in the street?
 17 A. Yes.
 18 Q. Was it in the eastbound lane of
 19 traffic?
 20 A. That I don't recall well. I don't
 21 recall that. I know the car was parked on
 22 eastbound 53rd.
 23 Q. Did you see another car parked on the
 24 street?

13

15

1 A. A few minutes.
 2 Q. Would you say more than five?
 3 A. A few minutes. It all depends,
 4 traffic. You tell me. Depends on the day, the
 5 time, hours.
 6 Q. Do you remember how long it actually
 7 took you to arrive at 53rd and Blackstone from
 8 47th and Lake Park that night?
 9 A. Yeah, a few minutes.
 10 Q. Do you recall what route you took to
 11 arrive at 53rd and Blackstone?
 12 A. Yes. I drove north -- I drove
 13 southbound Lake Park and then westbound on 53rd.
 14 Q. Do you remember what time you got this
 15 dispatch call?
 16 A. Approximately 2:35, 2:30 something,
 17 somewhere around there.
 18 Q. And what did you do once you got that
 19 call?
 20 A. I put on the air that -- I put on the
 21 air that I just arrived.
 22 Q. So you got the call and you headed
 23 towards 53rd and Blackstone?
 24 A. Yes.

1 A. Yeah, there were several cars parked on
 2 the street.
 3 Q. What other cars do you remember being
 4 parked on the street?
 5 A. Several civilian cars.
 6 Q. Can you describe these cars?
 7 A. No, sir.
 8 Q. Did you see a silver Chrysler parked on
 9 the street?
 10 A. I don't remember, sir.
 11 Q. Did you see a car parked either
 12 immediately next to or right nearby
 13 Officer Moore and Torres's car?
 14 A. Like I said, next to -- next was
 15 several cars parked. I don't recall which
 16 model, what color or anything like that.
 17 Q. Okay. Well, where were Officer Moore
 18 and Torres and Mr. Boyle, who you said was
 19 wrestling with them, where were they located?
 20 A. They were -- they were in the street.
 21 Q. Was it close to the curb, in the middle
 22 of the street? Where was it?
 23 A. In the middle of the street on the
 24 eastbound lane.

14

16

4 (Pages 13 to 16)

1 Q. Were they close to the median or was it
 2 sort of right in the middle of the eastbound
 3 lane?
 4 MR. PUISZIS: Objection, the question assumes
 5 there's a median there.
 6 Subject to the objection, you can answer the
 7 question.
 8 BY MR. KSIAZEK:
 9 Q. You can answer the question.
 10 A. He was in the middle of the lane. I
 11 mean, they were moving back and forth.
 12 Q. Okay. So describe -- when you say
 13 wrestling, describe what you saw.
 14 A. I observed Officer Moore and
 15 Officer Torres trying to apprehend the subject
 16 and the subject was pushing away from them and
 17 they were wrestling. They were just pushing
 18 each other.
 19 Q. Where was Officer Moore located in
 20 relation to the subject?
 21 A. That I don't recall, sir.
 22 Q. Do you recall where Officer Torres was
 23 located in relation to the subject?
 24 A. No, sir.

1 to help them out to place the subject in
 2 apprehension.
 3 Q. Did you see any other University of
 4 Chicago Police cars at the scene when you first
 5 arrived?
 6 MR. PUISZIS: You mean other than Moore and
 7 Torres?
 8 BY MR. KSIAZEK:
 9 Q. I'm sorry, yes, other than Moore and
 10 Torres?
 11 A. At that point, no.
 12 Q. So you were the second University of
 13 Chicago patrol car to arrive at the scene?
 14 A. Yes.
 15 Q. And did you hear Mr. Boyle say anything
 16 in response to Officer Moore and Torres's
 17 statements that he was under arrest?
 18 A. Oh, yes.
 19 Q. What did he say?
 20 A. He was just -- he was using vulgar
 21 language. He was insulting everybody.
 22 Q. What was he saying?
 23 A. MF this, MF that, F this, F that, you
 24 know, the usual.

17

19

1 Q. But you do know that Officer Moore and
 2 Torres were attempting to arrest Mr. Boyle?
 3 A. The subject, yes, sir.
 4 Q. How do you know that?
 5 A. Because when I show up at the scene --
 6 would you repeat the question.
 7 Q. Sure. How do you know that
 8 Officer Moore and Officer Torres were trying to
 9 arrest Mr. Boyle?
 10 A. Because both officers were stating to
 11 the subject that he's under arrest.
 12 Q. Okay. When you arrived at the scene,
 13 what did you do? What was the first thing that
 14 you did?
 15 A. When I arrived at the scene, I observed
 16 the two officers and the subject in the middle
 17 of the street, so what I did was park my car in
 18 the middle of both lanes facing westbound with
 19 the lights so neither one of them will get hit
 20 by a car.
 21 Q. And when did you hear Officer Moore and
 22 Torres saying to Mr. Boyle that he was under
 23 arrest?
 24 A. When I got out of the car and on my way

1 Q. Well, I wasn't there, so...
 2 A. Well, I'm telling you what he was
 3 saying. I mean, you know, trust me, if I were
 4 to know that we were going to get into a
 5 lawsuit, I would have brought my own camera. I
 6 would have recorded the whole thing for you.
 7 Moreover, I mean, it's a shame that we don't
 8 have a camera in the car, otherwise you will be
 9 able to observe and hear everything on your own.
 10 Q. Sure.
 11 Okay. So you said he was saying
 12 MF this, F that. How many times did he say
 13 that?
 14 A. I didn't have a chance to write this
 15 down, so I don't recall that, sir.
 16 Q. So Officer Moore and Torres just said
 17 to Mr. Boyle you're under arrest, right?
 18 A. Yes, sir.
 19 Q. In response, Mr. Boyle said MF? What
 20 did he say?
 21 A. Like I said, he was insulting, MF this,
 22 MF that and couple other things. Those are the
 23 couple things I remember right now.
 24 Q. Okay. How many -- did he say MF twice

18

20

5 (Pages 17 to 20)

1 or did he say it more than that?
 2 A. Multiple times.
 3 MR. PUISZIS: Maybe we should find out how
 4 many times he said it in his rap songs.
 5 BY MR. KSIAZEK:
 6 Q. So after you heard Mr. Boyle say
 7 MF this, MF that, what did you do?
 8 A. Then at some point -- at some point,
 9 Officer Torres, Officer Moore and the subject
 10 went on the ground and one of his arms broke
 11 loose from being handcuffed and that's when I
 12 gained control -- trying to gain control of that
 13 hand to make the -- to place the subject in
 14 handcuffs.
 15 Q. Okay. How long was Mr. Boyle swearing
 16 at the Officers Moore and Torres?
 17 A. Excuse me?
 18 Q. How long -- how much time had passed
 19 when Officer Moore and Torres -- how much time
 20 passed -- let me rephrase.
 21 How much time -- how long did Mr. Boyle
 22 swear at Officer Moore and Torres?
 23 A. During the whole altercation.
 24 Q. Okay. Did Officer Moore and Torres say

1 they pushing Mr. Boyle?
 2 A. What do you mean "pushing"?
 3 Q. Were they striking him?
 4 A. No.
 5 Q. Did they push him?
 6 A. No.
 7 Q. What did they do to him?
 8 A. Trying to place the subject in
 9 handcuffs.
 10 Q. Well, how did they try and put him in
 11 handcuffs?
 12 A. By placing the two hands on the back
 13 and placing the handcuffs on him.
 14 Q. And they were doing this in the middle
 15 of the street?
 16 A. Yes.
 17 Q. So when you first arrived, you saw
 18 Officer Moore and Torres trying to put Mr. Boyle
 19 in handcuffs?
 20 A. Yes, sir.
 21 Q. Okay. As you saw them try and put him
 22 in handcuffs, what was Mr. Boyle doing?
 23 A. Pushing away from them.
 24 Q. How was he pushing away from them?

21

23

1 anything in response to Mr. Boyle swearing at
 2 them?
 3 A. Stop resisting.
 4 Q. Was Mr. Boyle resisting at that point?
 5 A. Oh, yes, sir.
 6 Q. How was he resisting?
 7 A. By pushing away, using every mean he
 8 can -- he could to get away from the location by
 9 kicking.
 10 Q. Well, was he standing up at this point?
 11 MR. PUISZIS: At what point? Objection.
 12 BY MR. KSIAZEK:
 13 Q. Okay. After he was swearing -- when he
 14 was swearing to Officer Moore and Torres, was he
 15 standing up?
 16 A. I don't recall.
 17 Q. Were Officer Moore and Torres standing
 18 up?
 19 A. Listen, it was a pushing situation. It
 20 was back and forth, back and forth. I mean, if
 21 you give -- we'll have to be -- it was from the
 22 floor to up and the ground, up and the ground,
 23 on the floor. This is how bad it was.
 24 Q. So were Officer Moore and Torres, were

1 A. For instance, if I grab your arm, you
 2 will resist by pushing your arm away from me.
 3 That is the way.
 4 Q. Is that what Mr. Boyle was doing?
 5 A. Yes.
 6 Q. Okay. What else was he doing to resist
 7 being placed in handcuffs?
 8 A. Using any other means, for instance,
 9 kicking, pushing his other arm.
 10 Q. When did he kick?
 11 A. When he was on the floor, he started
 12 kicking. That's one of the times I recall him
 13 kicking.
 14 Q. Okay. How did he get on the floor?
 15 A. How did he get on the floor?
 16 Q. Yes.
 17 A. Good question. I don't know.
 18 Q. Was he on the floor before they tried
 19 to put him in handcuffs?
 20 A. Maybe when he was resisting, he fell on
 21 the floor.
 22 Q. You were there. You need to tell me.
 23 A. Yeah, like I said, he was pushing,
 24 kicking. We were asking him to stop resisting

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24

6 (Pages 21 to 24)

1 and then everybody went on the floor. And then
 2 I recall one of the officers not leaving the
 3 scene, but, I guess, if I'm not mistaken,
 4 Officer Torres got tired so he step aside for a
 5 second and then I gained control of his -- one
 6 of his arms. But at that point, he started
 7 kicking with his legs.

8 Officer -- if I'm not mistaken,
 9 Officer Gillespie got kicked in the face and his
 10 glasses broke. Somehow he got his other hand
 11 loose while I was trying to gain control of his
 12 other arm. He overpowered me and that's the way
 13 I hurt -- I injured my right shoulder.

14 Q. Okay. So you gave me a lot of stuff
 15 there.

16 A. Oh, yeah.

17 Q. Let's go through it. So according to
 18 your testimony, they were trying to arrest
 19 Mr. Boyle, right?

20 A. Yes.

21 Q. And at some point, they went onto the
 22 floor, and Officer Moore, Torres and Mr. Boyle
 23 went on the floor?

24 A. And myself, yes.

1 Were you facing Mr. Boyle?
 2 A. I don't remember that.
 3 Q. You don't remember where you were?
 4 A. No.
 5 Q. And I think you stated already
 6 previously you don't remember where
 7 Officer Moore was?

8 A. Correct.
 9 Q. And you don't remember where
 10 Officer Torres was?
 11 A. Correct.
 12 Q. But you do know that at some point all
 13 four of you went down to the ground, right?
 14 A. Correct.
 15 Q. And what happened when the four of you
 16 went down onto the ground?

17 A. Then at that point, we were able to
 18 gain control of his two arms and place the
 19 subject in handcuffs.

20 Q. Do you recall how Mr. Boyle fell to the
 21 ground, in what position he was?

22 A. No, sir.

23 Q. You don't know if he was facedown or
 24 back?

25

27

1 Q. Okay. When did you get involved in the
 2 skirmish between Officer Moore, Torres and
 3 Mr. Boyle?

4 A. When I arrived at the scene.

5 Q. So you arrived at the scene and went
 6 immediately to help Officer Moore and Torres?

7 A. Correct.

8 Q. What did you do to help Officer Moore
 9 and Torres?

10 A. How?

11 Q. What actions did you take, yes.

12 A. Trying to place the subject in
 13 handcuffs. Help assisting the two officers
 14 place him, the subject, in handcuffs.

15 Q. All right. Where did you approach
 16 Mr. Boyle at to try and get him into handcuffs?

17 A. That I don't remember. I mean, it
 18 happens -- you don't have time for all this
 19 stuff. You just -- you need to place the
 20 subject in handcuffs and that's what it is. I
 21 mean, I don't remember if I was coming from the
 22 right or the left. That I don't remember.

23 Q. Okay. Were you helping out putting him
 24 in handcuffs, were you in front of Mr. Boyle?

1 A. No, I don't remember, sir.

2 Q. Okay. Were you on top of Mr. Boyle?

3 A. No.

4 Q. You were on the side?

5 A. Yes.

6 Q. Do you know where Officer Moore and
 7 Officer Torres were once the four of you fell to
 8 the ground?

9 A. Yeah, the four of us fell on the
 10 ground. Nobody fall on top of anybody. I mean,
 11 it was just all around him.

12 Q. Well, if there was three of you, how
 13 did all four of you fall to the ground? If
 14 there's three officers trying to wrestle, how
 15 did all four of you fall to the ground?

16 A. I don't know.

17 Q. Were you in contact with Mr. Boyle?

18 A. I was in contact with Mr. Boyle, yes.

19 Q. What part of his body were you
 20 contacting when he fell?

21 A. All the time was his arm.

22 Q. So you were holding onto his arm?

23 A. Yes.

24 Q. And you fell to the ground while you

26

28

7 (Pages 25 to 28)

1 were holding onto his arm?
 2 A. Yes.
 3 Q. Do you know who actually was able to
 4 get Mr. Boyle into handcuffs?
 5 A. No.
 6 Q. Was it yourself?
 7 A. I don't remember, sir.
 8 Q. Did you – was Mr. Boyle put in
 9 handcuffs while he was on the ground?
 10 A. Yes, sir.
 11 Q. And when – when you went down to the
 12 ground, do you remember Mr. Boyle saying
 13 anything to you or to any of the officers?
 14 A. He's still running his mouth. He was
 15 still talking about -- saying something. I
 16 don't remember what he was saying.
 17 Q. Was it swear words?
 18 A. I don't recall.
 19 Q. And were Officer Moore – was
 20 Officer Moore saying anything while you were
 21 down on the ground?
 22 A. I don't remember.
 23 Q. Was Officer Torres saying anything
 24 while you were on the ground?

29

1 A. I observed Michael – what is his last
 2 name?
 3 Q. Kwiatkowski?
 4 A. Kwiatkowski, yes. He was there.
 5 Q. So Officers Gillespie and Kwiatkowski
 6 were present while the four of you were down on
 7 the ground?
 8 A. Yes, at some point.
 9 Q. How long were you down on the ground
 10 for?
 11 A. I don't recall.
 12 Q. Where was Officer Gillespie when you
 13 were on the ground?
 14 A. He was –
 15 MR. PUISZIS: Objection. At what point?
 16 BY MR. KSIAZEK:
 17 Q. Okay. When did – while you were on
 18 the –
 19 MR. PUISZIS: He already said he doesn't know
 20 when Gillespie arrived, so, I mean –
 21 MR. KSIAZEK: I'm asking where he was
 22 standing. Where was Officer Gillespie standing
 23 when he was on the ground?
 24 MR. PUISZIS: If you know, go ahead.

31

1 A. I don't remember.
 2 Q. And did you say anything?
 3 A. Yes, I did.
 4 Q. What did you say?
 5 A. Stop resisting.
 6 Q. And why did you say that?
 7 A. Because I have to communicate with the
 8 subject.
 9 Q. Okay. Did he say anything in response?
 10 A. I don't remember.
 11 Q. Now, you said that Officer Gillespie
 12 had arrived at some point?
 13 A. Yes, sir.
 14 Q. Do you recall – do you know when he
 15 arrived?
 16 A. No.
 17 Q. Did you see him arrive?
 18 A. No.
 19 Q. Did you see any other officers
 20 while you were on the ground besides
 21 Officer Gillespie from the University of Chicago
 22 or Chicago Police Officers?
 23 A. Yes.
 24 Q. Who did you see?

30

1 THE WITNESS: Officer – at some point, I
 2 observed Officer Gillespie holding the subject's
 3 legs.
 4 BY MR. KSIAZEK:
 5 Q. And that's – was that while the
 6 subject was on the ground?
 7 A. At some point, yes.
 8 Q. Did you see Officer Kwiatkowski do
 9 anything when he arrived at the scene?
 10 A. Yes.
 11 Q. What did he do?
 12 A. He helped – he tried to help place the
 13 subject in handcuffs.
 14 Q. This was before Mr. Boyle was in
 15 handcuffs?
 16 A. Yes.
 17 Q. So Officer Gillespie and Kwiatkowski
 18 arrived before Mr. Boyle was in handcuffs?
 19 A. Yes.
 20 Q. Okay. So what happened after Mr. Boyle
 21 was placed in handcuffs?
 22 A. Officer Gillespie started looking for
 23 his glasses, which were in pieces, and he was
 24 holding his face because he got kicked pretty

32

8 (Pages 29 to 32)

1 bad during the time he was helping restrain the
 2 subject.
 3 Q. Did you see Officer Gillespie get
 4 kicked?
 5 A. Oh, yeah.
 6 Q. Can you describe what happened?
 7 A. He got struck. I mean, the subject
 8 struck him with his leg. The glasses fall apart
 9 and he – I mean, you heard the (indicating)
 10 actual the way he was struck with his feet.
 11 Q. Okay. Was Mr. Boyle in handcuffs when
 12 he kicked Officer Gillespie?
 13 A. No.
 14 Q. And was Officer Gillespie on the ground
 15 or was he standing?
 16 A. He was on the ground.
 17 Q. How was he on the ground? Was he on
 18 his knees? Was he laying down?
 19 A. Yes, he was on his knees trying to hold
 20 his legs.
 21 Q. Which leg did Mr. Boyle --
 22 A. I don't know, sir.
 23 Q. Can you describe the glasses?
 24 A. No, sir.

33

1 A. Yes.
 2 Q. Why were you out of breath?
 3 A. Why?
 4 Q. Yes.
 5 A. Because he was fighting.
 6 Q. How was he fighting?
 7 MR. PUISZIS: Objection. You've asked and
 8 answered this five times now. You can answer it
 9 a sixth time. You can go ahead and answer it.
 10 THE WITNESS: If you could repeat the
 11 question for me, please.
 12 MR. PUISZIS: He wanted to know how he was
 13 fighting.
 14 MR. KSIAZEK: Sure.
 15 MR. PUISZIS: So, I mean, you can tell him
 16 again how he kicked Gillespie in the face. You
 17 can talk about everything else that happened
 18 that we've been talking about for the last
 19 15 minutes. So you can go ahead and answer the
 20 question.
 21 THE WITNESS: Okay. After he was pushing,
 22 kicking, fighting, after he hurt my shoulder,
 23 after I was able to pull his – help him out,
 24 handcuff him, yes. Once he was restrained and

35

1 Q. Do you know how many pieces it
 2 shattered into?
 3 A. No.
 4 Q. But you heard it, right?
 5 A. Yeah.
 6 Q. So Mr. Boyle was placed into handcuffs
 7 while he was still on the ground, right?
 8 A. Yes.
 9 Q. At some point, did someone pull him up
 10 from the ground?
 11 A. Once he was handcuffed, we placed him
 12 on his feet.
 13 Q. Who actually pulled him up from his
 14 feet --
 15 A. I don't remember.
 16 Q. – or from the ground?
 17 A. I don't remember.
 18 Q. Was it yourself?
 19 A. No, it wasn't me.
 20 Q. What were you doing once – when
 21 Mr. Boyle was being pulled up to his feet?
 22 A. Oh, I stepped on the side to catch my
 23 breath.
 24 Q. Were you out of breath?

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1 on his feet, I stepped to the side so I can
 2 catch my breath. I was tired. How's that?
 3 BY MR. KSIAZEK:
 4 Q. Sure. You said you hurt your shoulder?
 5 A. I didn't hurt – he hurt my shoulder.
 6 Q. Well, your shoulder was hurt?
 7 A. Yes, sir.
 8 Q. And specifically do you remember how
 9 your shoulder was hurt?
 10 A. It was painful, pain.
 11 Q. Well, I mean, what action did Mr. Boyle
 12 take that hurt your shoulder?
 13 A. When he pushed my right arm.
 14 Q. And this is while you were on the
 15 ground?
 16 A. At some point.
 17 Q. Was it on the ground or were you
 18 standing up?
 19 A. You know what – he was fighting all of
 20 us from the time he was on the ground to the
 21 time he was in handcuffs -- all the way until he
 22 was in handcuffs.
 23 Q. So you're not sure when you injured
 24 your shoulder?

36

9 (Pages 33 to 36)

1 A. Yeah, when he pulled my -- when he
2 pulled my arm.
3 Q. Okay. I'm just trying to clarify when
4 actually that happened.
5 A. When? During the fight.
6 Q. Was it before -- was it before he was
7 in handcuffs?
8 A. Of course.
9 Q. And was it before he went down to the
10 ground?
11 A. That I don't recall. It was -- that
12 was in between.
13 Q. Okay. So what happened after Mr. Boyle
14 stood up and you stepped to the side to catch
15 your breath?
16 A. A couple city units arrived on the
17 scene and they took the subject with them. I
18 don't know anything else.
19 Q. Did the University of Chicago officers
20 physically walk Mr. Boyle over to the Chicago
21 Police Department?
22 A. Yes.
23 Q. How far did they walk him over there?
24 A. A couple feet.

1 A. Half an hour later, my arm -- my
2 shoulder started bothering me. That's when I
3 called my lieutenant.
4 Q. Okay. Let's go back actually. When
5 you were still at the scene but after Mr. Boyle
6 was in the Chicago Police officer car, did you
7 talk to any witnesses at the scene?
8 A. No.
9 Q. Did you see anyone else gathered at the
10 scene besides the officers, either University of
11 Chicago or Chicago Police officers and
12 Mr. Boyle, besides those persons, did you see
13 anyone else at the scene?
14 A. I don't recall, sir.
15 Q. Did you see a young woman at the scene?
16 A. No, sir. I don't recall anything.
17 Q. So after you told dispatch to clear
18 from the scene, you continued on your beat after
19 that?
20 A. Yes.
21 Q. And then 30 minutes later you said --
22 you told your lieutenant your shoulder was
23 bothering you?
24 A. Approximately 30 minutes.

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1 Q. Did you hear Mr. Boyle say anything
2 after he got up and was being walked over to the
3 Chicago Police officers?
4 A. I don't recall.
5 Q. Did any of the Chicago -- I'm sorry,
6 University of Chicago Police officers say
7 anything after he was stood up and walked over
8 to the Chicago Police officers?
9 A. I don't recall.
10 Q. Did you say anything to the City of
11 Chicago Police officers?
12 A. No, sir.
13 Q. So once Mr. Boyle was walked over to
14 the Chicago Police officers, their vehicle, what
15 did you do?
16 A. Then I cleared out the scene.
17 Q. What did that entail?
18 A. Meaning that I put over the air that I
19 will -- that I told dispatch to clear me from
20 the scene and put me back in my zone, which
21 means I'm going back to whatever area I was
22 patrolling.
23 Q. Well, did you go see a doctor about
24 your shoulder?

1 Q. How did you communicate that to your
2 lieutenant?
3 A. I called the lieutenant.
4 Q. Did you call him over the radio?
5 A. No. My cell phone.
6 Q. What did you tell him?
7 A. That my shoulder hurts.
8 Q. And what did he say?
9 A. To go to the emergency room.
10 Q. Did you go to the emergency room?
11 A. Yes, sir.
12 Q. Where -- what emergency room did you go
13 to?
14 A. University of Chicago ER.
15 Q. And what did the doctors tell you?
16 A. They took some X-rays and told me to
17 put some ice packs for a few days, and if the
18 pain consisted, you have to contact a shoulder
19 doctor, orthopaedic.
20 Q. Did you ever follow up with a shoulder
21 doctor, an orthopaedic?
22 A. No. But my shoulder still bothers me,
23 so I'm thinking about going.
24 Q. Your shoulder still bothers you today?

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10 (Pages 37 to 40)

1 A. Yes.
 2 Q. How does it bother you?
 3 A. It hurts. When the weather is kind of
 4 cold, it hurts a little bit.
 5 Q. Okay. I'm going to show you what has
 6 already been previously marked as Exhibit 1.
 7 This is a copy of the dispatch tape. Have you
 8 reviewed this document before your testimony
 9 today?
 10 A. I don't recall.
 11 Q. You don't recall seeing this document?
 12 A. Uh-uh.
 13 Q. Okay. This is a transcript that's been
 14 provided by your counsel about the -- of the
 15 dispatch on October 18, 2008, okay. And at the
 16 top it says start time, approximately 2:37
 17 hours. Is that when you remember arriving at
 18 35th Street on the 18th?
 19 A. If this document says that, yes.
 20 Q. Okay.
 21 A. I was not looking at my clock -- on my
 22 time clock, but that's fine.
 23 Q. Okay. Now, if you look in the middle
 24 of the page under -- where it says dispatch,

1 somebody get there? Next unit on the scene,
 2 tell me what you got. Do you remember hearing
 3 that over dispatch?
 4 A. I don't recall.
 5 Q. You don't recall hearing that?
 6 A. Well, I don't recall this.
 7 Q. Okay. Now, where it says unknown, it
 8 says, we got one guy on the ground, we got two
 9 officers. Did you say that to dispatch?
 10 A. (Indicating.)
 11 Q. You have to answer yes or no.
 12 A. Don't know. Maybe I did. Maybe I
 13 didn't. I don't recall.
 14 Q. Okay. Well, dispatch was asking you
 15 what you got over there, right? They were
 16 talking to you when it says, 101, what you got
 17 over there, right?
 18 A. Yes.
 19 Q. So does it make sense that this would
 20 be you saying we got one guy on the ground, we
 21 got two officers?
 22 MR. PUISZIS: Objection. He's already said
 23 he doesn't remember. Dispatch also says, next
 24 unit on the scene, tell me what you got.

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1 53rd and Blackstone, we've got a 10-1, 10-1,
 2 53rd and Blackstone. Is that the dispatch call
 3 that you heard which caused you to go to 53rd
 4 and Blackstone Street?
 5 A. Yes.
 6 Q. And you said earlier you're Unit 101,
 7 correct?
 8 A. Yes, sir.
 9 Q. So you stated in response, 101 en route
 10 53rd and Blackstone, right?
 11 A. Correct.
 12 Q. Okay. If you look a little later down
 13 the page where it says 101 again, it says 101,
 14 23.
 15 A. Yes.
 16 Q. What does 23 indicate?
 17 A. 23 means I have arrived at the location
 18 previously given to me. On the scene, how's
 19 that?
 20 Q. Sure.
 21 Okay. And then dispatch asked you,
 22 101, what do you got over there? One, zero,
 23 one, what do you have? 101, do you see 109?
 24 Okay, units, we got the city coming. Can

1 BY MR. KSIAZEK:
 2 Q. Well, you did testify you were the only
 3 one -- the only additional unit on the scene
 4 when you first got there, right?
 5 A. Correct.
 6 Q. Okay. If you can turn to page two of
 7 this document. If you look at the top where it
 8 says, 101, and you say to dispatch 101, right?
 9 A. Uh-huh.
 10 Q. You have to answer yes.
 11 A. Yes.
 12 Q. Okay. And then dispatch echoes back
 13 101, correct?
 14 A. Correct.
 15 Q. And then 101 says, please run driver's
 16 license for me, driver's license B, boy,
 17 400-1448-7100. Did you say that to dispatch?
 18 A. I don't recall by the paper. I don't
 19 recall that.
 20 Q. Okay. But at some point, did you
 21 obtain Mr. Boyle's driver's license?
 22 A. I don't recall. I mean, I don't
 23 remember.
 24 Q. You don't remember if you ever got

42

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11 (Pages 41 to 44)

1 Mr. Boyle's driver's license?
 2 A. I don't remember.
 3 Q. I'm going to ask you to look at what
 4 has been previously marked as Plaintiff's
 5 Exhibit 2. If you would turn to the third page,
 6 what is -- they have little numbers on the
 7 bottom which is U, dash, C0111.
 8 A. Okay.
 9 Q. Do you see that?
 10 Okay. This is a police report that you
 11 filled out.
 12 A. Excuse me?
 13 Q. I said this is a police report -- I'm
 14 sorry. Oh, I'm sorry, wrong. Disregard that.
 15 Did you fill out any reports in
 16 connection with this case?
 17 A. No, sir.
 18 Q. You didn't file out an injured person's
 19 report?
 20 A. I don't fill one out because I was
 21 injured. Another officer does it for me -- did
 22 it for me.
 23 Q. Okay. So someone filled this out for
 24 you?

1 her with information here?
 2 A. Yes, sir.
 3 Q. Information in this report.
 4 When did you talk to her?
 5 A. When I went to the hospital.
 6 Q. So was she -- was she with you at the
 7 hospital?
 8 A. We have a police officer at the
 9 hospital 24/7.
 10 Q. And that, on October 18, 2008, that
 11 would be -- Lisa Redmond would be the police
 12 officer at the hospital that night?
 13 A. Yes, sir.
 14 Q. So this isn't your handwriting?
 15 A. No, sir. You don't see my signature
 16 anywhere here.
 17 Q. Right. Do you know what time you spoke
 18 to Officer Redmond on October 18?
 19 A. Whatever time, it was documented in the
 20 report.
 21 Q. Well, this report at the top indicates
 22 2:38, right?
 23 A. Uh-huh.
 24 MR. PUISZIS: Under time of occurrence.

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1 A. Yes, sir.
 2 MR. PUISZIS: Well, wait, can he see what it
 3 is before he answers a question.
 4 MR. KSIAZEK: I'm sorry, he gave it back to
 5 the --
 6 MR. PUISZIS: Which page are you looking at?
 7 MR. KSIAZEK: We're looking at -- still
 8 looking at 0111. This is the injured person's
 9 report.
 10 MR. PUISZIS: Okay.
 11 BY MR. KSIAZEK:
 12 Q. So someone filled this document out for
 13 you?
 14 A. Yes.
 15 Q. And when -- where you see at the bottom
 16 where it says Lisa -- I'm not sure if I can make
 17 that out -- Raduke. Do you know whose that is?
 18 A. Yes.
 19 Q. Who filled this out for you?
 20 A. Officer Lisa Redmond.
 21 Q. Redmond, okay. So Officer Redmond
 22 filled this out for you?
 23 A. Yes, sir.
 24 Q. Okay. Did you talk to her and provide

1 MR. KSIAZEK: Under time of occurrence,
 2 right, that's what I'm getting at.
 3 BY MR. KSIAZEK:
 4 Q. Under time of occurrence it says 2:38,
 5 right?
 6 A. Uh-huh.
 7 Q. You have to say yes.
 8 A. What time are we talking about?
 9 Q. We're looking at the very top under
 10 time of occurrence next to date.
 11 A. 2:38, yes, sir.
 12 Q. Okay. But it doesn't say when this
 13 report was filled out, though, right, on this
 14 document?
 15 A. Whatever it says there, you know. I
 16 didn't write this report, so I can't answer
 17 that, sir. I don't know.
 18 Q. Okay. If you turn to the next page
 19 which is Bates stamped 0112, did you provide
 20 Officer Redmond with the information which is
 21 located in the paragraph under narrative?
 22 A. Yes, sir.
 23 Q. Okay. So this paragraph states, in
 24 reference to -- is that PDI?

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12 (Pages 45 to 48)

1 A. Yes, sir.
 2 Q. Number U2020, 18th of October, '08,
 3 2:38 hours. Officer Galarza, Unit 101,
 4 responded to a 10-1 call to assist with 109.
 5 Officer Torres, Officer Galarza reported
 6 while -- is that reported?
 7 A. Yes.
 8 Q. -- while trying to handcuff the
 9 offender, he injured his right shoulder. Is
 10 that true and accurate?
 11 MR. PUISZIS: Did you read it accurately?
 12 BY MR. KSIAZEK:
 13 Q. What did I not read?
 14 A. If you rewind the tape, you will hear.
 15 Q. What did I miss?
 16 A. A couple words in there.
 17 Q. Oh, I'm sorry, refer to PDI, U2020?
 18 A. No, sir, but that's fine. For the most
 19 part, it's accurate, yes.
 20 Q. Well --
 21 A. You want to read it again?
 22 Q. I'll read it again just so we can get
 23 it true and accurate here.
 24 A. 10-4.

1 University of Chicago officers why Mr. Boyle was
 2 being arrested that night?
 3 A. No, sir.
 4 Q. Why not?
 5 A. Because I read the report later on.
 6 Q. But you never asked why he was being
 7 arrested while you were at the scene on the
 8 18th?
 9 MR. PUISZIS: In response to a 10-1 officer
 10 needs assistance?
 11 MR. KSIAZEK: I'm asking the question.
 12 THE WITNESS: No, sir.
 13 BY MR. KSIAZEK:
 14 Q. When did you read the Chicago Police
 15 report?
 16 A. Not the Chicago Police report, our
 17 report.
 18 Q. Okay. When did you read your report?
 19 A. Later on.
 20 Q. Do you know how much later?
 21 A. A few days later.
 22 MR. KSIAZEK: I don't have any more questions
 23 at this time.
 24

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1 Q. Okay. In summary, in reference to
 2 PDI Number U2020, 18th of October 08,
 3 2:38 hours, Officer Galarza, Unit 101, responded
 4 to a 10-1 call to assist with --
 5 A. Unit.
 6 Q. Unit, okay. I missed that word, sorry.
 7 -- Unit 109. Officer Torres,
 8 Officer Galarza reported while trying to
 9 handcuff the offender, he injured his right
 10 shoulder. Refer to PDI Number U2020. That's
 11 correct, right?
 12 A. Yes.
 13 Q. Okay. Did you have any conversations
 14 with Officer Moore or Officer Torres on
 15 October 18 regarding this incident?
 16 A. No.
 17 Q. Have you ever had any conversations
 18 with Officer Moore or Torres since October 18
 19 regarding this incident?
 20 A. No.
 21 Q. Did you ever see any of the University
 22 of Chicago officers strike Mr. Boyle?
 23 A. No, sir.
 24 Q. Did you ever discuss with any of

1 EXAMINATION
 2 BY MS. GIBBONS:
 3 Q. I just have a few.
 4 A. Yes, ma'am.
 5 Q. Not to go completely back, but I just
 6 need to understand when exactly you first
 7 noticed the City of Chicago Police officers?
 8 What do you recall?
 9 A. After the subject was in handcuffs.
 10 Q. Okay. So when you kind of stepped off
 11 to the side?
 12 A. Once we handcuffed the subject and the
 13 subject was on his feet, I stepped aside and
 14 then I saw city units on the scene.
 15 Q. Now, when the city units were on the
 16 scene, were they just arriving to the scene
 17 or --
 18 A. Arriving at the scene.
 19 Q. Okay. Do you recall how many units
 20 arrived?
 21 A. Definitely more than one, ma'am.
 22 Q. Do you recall -- did you know any of
 23 those officers?
 24 A. No. No. Nobody by name. I don't

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13 (Pages 49 to 52)

<p>1 remember.</p> <p>2 Q. Do you recall if there was a City of</p> <p>3 Chicago sergeant that arrived on the scene?</p> <p>4 A. I remember seeing a white shirt from</p> <p>5 the city.</p> <p>6 Q. And did you talk to any of those</p> <p>7 officers?</p> <p>8 A. No, ma'am.</p> <p>9 MS. GIBBONS: That's all I have.</p> <p>10 EXAMINATION</p> <p>11 BY MR. PUISZIS:</p> <p>12 Q. Did you ever see any of the University</p> <p>13 of Chicago officers pull Mr. Boyle's pants and</p> <p>14 underwear down on the street?</p> <p>15 A. No, sir.</p> <p>16 Q. When you get a 10-1 call, that means an</p> <p>17 officer needs assistance I think you said?</p> <p>18 A. Yes, it does. Yes, sir.</p> <p>19 Q. Are you timing how long it takes you</p> <p>20 normally when you respond to a 10-1 call how</p> <p>21 quickly you get to the scene?</p> <p>22 A. Definitely not.</p> <p>23 Q. And when you arrive on the scene in</p> <p>24 response to a 10-1 call, are you measuring</p>	<p>1 Q. Typically when officers place someone</p> <p>2 in handcuffs and they're resisting arrest, do</p> <p>3 they try to put the subject on the ground?</p> <p>4 A. No, sir.</p> <p>5 Q. And did – was Charles Boyle taken back</p> <p>6 to the University of Chicago after this incident</p> <p>7 or was he taken to Chicago Police Department?</p> <p>8 A. He was taken to the Chicago Police.</p> <p>9 Q. Why wasn't he taken back to the</p> <p>10 University of Chicago?</p> <p>11 A. Because we don't process anyone. All</p> <p>12 the processing is done at any of the police</p> <p>13 stations in the city.</p> <p>14 Q. Do you have a lockup at the</p> <p>15 University of Chicago?</p> <p>16 A. No, sir, we do not. We don't.</p> <p>17 MR. PUISZIS: Thank you. I don't have</p> <p>18 anything else.</p> <p>19 MR. KSIAZEK: I'm just going to show you</p> <p>20 these things real quick. This is Exhibit 8 I</p> <p>21 believe.</p> <p>22 (Whereupon, Galarza Deposition</p> <p>23 Exhibit No. 8 was marked for</p> <p>24 identification.)</p>
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<p>1 things before you get out of your squad car?</p> <p>2 A. No.</p> <p>3 Q. Are you timing things before you get</p> <p>4 out of your squad car?</p> <p>5 A. No, sir.</p> <p>6 Q. You see two officers wrestling with</p> <p>7 someone, are you bothering to count off the</p> <p>8 number of feet from your squad car to where the</p> <p>9 two officers are wrestling?</p> <p>10 A. No, sir.</p> <p>11 Q. Are you taking out a tape measure and</p> <p>12 measuring how far from another car the two</p> <p>13 officers and the subject are wrestling?</p> <p>14 A. No, sir.</p> <p>15 Q. What's your purpose when you get out of</p> <p>16 the squad car and go to where the two officers</p> <p>17 and the subject are wrestling?</p> <p>18 A. To help the other officers, they're</p> <p>19 under stress.</p> <p>20 Q. And are you making a mental note</p> <p>21 because there's going to be a lawsuit about</p> <p>22 who's holding whom where?</p> <p>23 A. No, sir. That's the least of my</p> <p>24 concerns.</p>	<p>1 FURTHER EXAMINATION</p> <p>2 BY MR. KSIAZEK:</p> <p>3 Q. Do you recognize this document?</p> <p>4 A. I recognize – this specific? I have</p> <p>5 seen these forms, but never seen this before.</p> <p>6 Q. You've never seen this actual document</p> <p>7 itself?</p> <p>8 A. No, sir.</p> <p>9 Q. You didn't fill this document out?</p> <p>10 A. No, sir.</p> <p>11 Q. It says this form was completed by</p> <p>12 Robert Callahan?</p> <p>13 A. Sergeant Callahan.</p> <p>14 Q. Okay. And on October 18, 2008 –</p> <p>15 A. Yes, sir.</p> <p>16 Q. – on the bottom.</p> <p>17 Did you yourself speak with</p> <p>18 Sergeant Callahan?</p> <p>19 A. Yes, he's the sergeant from the</p> <p>20 hospital.</p> <p>21 Q. Okay. What did you say to Sergeant</p> <p>22 Callahan?</p> <p>23 A. What you see here is what I told him.</p> <p>24 Q. When did you have this conversation?</p>
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14 (Pages 53 to 56)

1 A. When I arrived at the ER, the hospital.
 2 Q. So was Sergeant Callahan present with
 3 the other officer?
 4 A. What officer?
 5 MR. PUISZIS: Redmond?
 6 BY MR. KSIAZEK:
 7 Q. Redmond, yeah, I'm sorry.
 8 So was Sergeant Callahan present with
 9 Officer Redmond when you arrived at the
 10 hospital?
 11 A. Yes, sir.
 12 Q. Were you there when he filled out this
 13 form for you?
 14 A. I was in the hospital when he filled it
 15 out.
 16 Q. I'm sorry, did you actually see him
 17 fill out this form?
 18 A. No.
 19 Q. Okay. Did he ask you about how the
 20 accident occurred?
 21 A. Yes, sir.
 22 Q. And what did you tell him?
 23 A. Exactly what you see in the report.
 24 Q. So you told him that you were -- the

1 answers to the plaintiff's interrogatories.
 2 Have you seen this document before?
 3 A. Yes.
 4 Q. And on the last page, this is your
 5 signature?
 6 A. Yes, sir.
 7 Q. Okay. If you look on page three of
 8 this document, it's the second paragraph down,
 9 where it says, "Other officers from the
 10 University of Chicago also responded and would
 11 have seen the plaintiff either on the ground or
 12 in handcuffs or being escorted to a City of
 13 Chicago squad car for transportation. Officer
 14 Gerald Johnson and a Lieutenant White from the
 15 University of Chicago Police Department were on
 16 the scene at some point." Do you recall seeing
 17 Officer Johnson and Lieutenant White at the
 18 scene?
 19 A. Yes.
 20 Q. Where did you -- or when did you see
 21 them at the scene?
 22 A. Once he was handcuffed and city units
 23 were at the scene.
 24 Q. So did Officer Johnson arrive after

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1 offender was resisting a lawful arrest?
 2 A. Yes, sir.
 3 Q. And you told him that you were
 4 attempting to effect a lawful arrest?
 5 A. Yes, sir.
 6 Q. And you told him that handcuffs were
 7 being used when you were attempting to effect
 8 this lawful arrest?
 9 A. Yes, sir.
 10 Q. And it states that the offender
 11 resisted violently. Did you tell
 12 Officer Callahan -- or Sergeant Callahan that?
 13 A. Yes, sir.
 14 Q. And you -- where it says list all
 15 injuries, you complained of pain and soreness in
 16 your back and right shoulder?
 17 A. Yes, sir.
 18 MR. KSIAZEK: This is Exhibit 9.
 19 (Whereupon, Galarza Deposition
 20 Exhibit No. 9 was marked for
 21 identification.)
 22 BY MR. KSIAZEK:
 23 Q. Okay. What I've handed you that's
 24 marked for identification as Exhibit 9 are your

1 Mr. Boyle was handcuffed?
 2 A. I don't know what time he arrived.
 3 Q. But the first time you saw them was
 4 after he was in handcuffs?
 5 A. Yes.
 6 Q. So on page five is the first full
 7 paragraph which begins, "Officers Moore and
 8 Torres had just stepped out of a Dunkin'
 9 Donuts". If you look at the fourth sentence, it
 10 says, "The University of Chicago officers Moore
 11 and Torres initially attempted to handcuff the
 12 plaintiff who refused to allow himself to be
 13 handcuffed and the other officers including
 14 Aguilar, Kwiatkowski and Gillespie assisted in
 15 attempting to get the plaintiff onto the ground
 16 and handcuffed."
 17 MR. PUISZIS: Aguilar is a typo. It's my
 18 mistake.
 19 MR. KSIAZEK: Okay.
 20 MR. PUISZIS: It should be Galarza.
 21 BY MR. KSIAZEK:
 22 Q. So that's yourself, not Aguilar?
 23 MR. PUISZIS: There is no Officer Aguilar
 24 with the city -- University of Chicago, right?

58

60

15 (Pages 57 to 60)

1 THE WITNESS: Right.
 2 BY MR. KSIAZEK:
 3 Q. If you turn to the next page, page six,
 4 question six asks -- it says, "State whether you
 5 sustained any physical injury during your
 6 interaction with the plaintiff on or about
 7 October 18, 2008." And it asks you to describe
 8 your injury.
 9 So you say that you were given pain
 10 medication in the second or third sentence
 11 there. What kind of pain medication were you
 12 given?
 13 A. Prescription.
 14 Q. Was it Tylenol or --
 15 A. I guess it was Vicodin or something
 16 like that.
 17 Q. How long were you on Vicodin for?
 18 A. A couple days.
 19 Q. Are you still on Vicodin?
 20 A. Sorry, what did you ask me?
 21 Q. Are you still on Vicodin right now?
 22 A. I told you that I was on Vicodin for a
 23 couple days after the accident.
 24 Q. Okay. And you state, "I used ice packs

1 with the University of Chicago." Have you had
 2 any complaints made against you that -- just in
 3 general?
 4 MR. PUISZIS: You mean like this one?
 5 BY MR. KSIAZEK:
 6 Q. Well, besides this one.
 7 A. No.
 8 Q. So this is the only complaint that
 9 you've had against you?
 10 A. Yes. Been a good boy.
 11 MR. KSIAZEK: Nothing further.
 12 FURTHER EXAMINATION
 13 BY MR. PUISZIS:
 14 Q. Is it lawful to resist an arrest of an
 15 officer at any time to your knowledge?
 16 A. I'm sorry, what was that?
 17 Q. Is it lawful or is it permissible to
 18 resist an officer's arrest at any time?
 19 A. No, sir.
 20 MR. PUISZIS: Nothing further.
 21 MS. GIBBONS: I have nothing further.
 22 MR. PUISZIS: Let's reserve.
 23 FURTHER DEPONENT SAITH NAUGHT
 24 (Witness excused at 3:44 p.m.)

61

63

1 on my shoulder for sometime following the
 2 incident." How long did you use ice packs on
 3 your shoulder for?
 4 A. At least a week. A little more than a
 5 week.
 6 Q. Do you know -- the next sentence says,
 7 "I understand Officer Moore injured his wrist
 8 and Officer Gillespie was also kicked in the
 9 head and his glasses were broken in the
 10 incident." I believe we talked about
 11 Officer Gillespie being kicked in the head. Do
 12 you know how Officer Moore injured his wrist?
 13 A. No idea, sir. Don't know.
 14 Q. Have you ever been sued before in your
 15 capacity as an officer?
 16 A. No, sir.
 17 Q. If you look on page eight where it
 18 says, identify all complaints, including but not
 19 limited to, complaints of false arrests,
 20 excessive use of force, unlawful search and/or
 21 seizure, et cetera. In your answer on the last
 22 sentence you said, "Subject to those objections
 23 and without waiving same, there have been no
 24 complaints that have been sustained against me

1
 2 IN THE UNITED STATES DISTRICT COURT FOR THE
 3 NORTHEASTERN DISTRICT OF ILLINOIS
 4 EASTERN DIVISION

5
 6 CHARLES BOYLE,)
 Plaintiff,)
 7 vs.) No. 09 CH 1080
 UNIVERSITY OF CHICAGO POLICE)
 8 OFFICER LARRY TORRES, et al.,)
Defendants.)

9
 10 This is to certify that I have read the
 11 transcript of my deposition taken in the
 12 above-entitled cause by KAREN E.
 13 DOMINICK-RIGONI, Registered Professional
 14 Reporter, on November 9, 2009, and that the
 15 foregoing transcript accurately states the
 16 questions asked and the answers given by me as
 17 they now appear.

18
 19 OSCAR GALARZA
 20 SUBSCRIBED AND SWORN TO
 21 Before me this _____, day
 22 of _____, 2010.
 23
 24 Notary Public

62

64

16 (Pages 61 to 64)

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)
4 I, KAREN E. DOMINICK-RIGONI, a
5 Registered Professional Reporter within and for
6 the County of Cook County and State of Illinois,
7 do hereby certify that heretofore, to-wit, on
8 the 9th day of November, 2009, personally
9 appeared before me, at 222 North LaSalle Street,
10 Suite 300, Chicago, Illinois, OSCAR GALARZA, in
11 a cause now pending and undetermined in the
12 Circuit Court of Cook County, Illinois, wherein
13 CHARLES BOYLE is the Plaintiff, and UNIVERSITY
14 OF CHICAGO POLICE OFFICER LARRY TORRES, ET AL.
15 are the Defendants.

16 I further certify that the said
17 witness was first duly sworn to testify the
18 truth, the whole truth and nothing but the truth
19 in the cause aforesaid; that the testimony then
20 given by said witness was reported
21 stenographically by me in the presence of the
22 said witness, and afterwards reduced to
23 typewriting by Computer-Aided Transcription, and
24 the foregoing is a true and correct transcript

1 McCORKLE COURT REPORTERS, INC.
2 200 North LaSalle Street, Suite 300
3 Chicago, Illinois 60601-2956
(312) 263-0052

3 January 12, 2010

4 HINSHAW & CULBERTSON, LLP
5 ATTN: MR. STEVEN M. PUISZIS
6 222 North LaSalle Street, Suite 300
7 Chicago, Illinois 60601
IN RE: BOYLE vs. UNIVERSITY OF CHICAGO
COURT NUMBER: 09 CH 1080
DATE TAKEN: 11/09/09
DEPONENT: OSCAR GALARZA

9 Dear Mr. Puiszis:

10 Enclosed is the deposition transcript for the
11 aforementioned deponent in the above-entitled
12 cause. Also enclosed are additional signature
13 pages, if applicable, and errata sheets.
14 Per your agreement to secure signature, please
15 submit the transcript to the deponent for review
16 and signature. All changes or corrections must
17 be made on the errata sheets, not on the
18 transcript itself. All errata sheets should be
19 signed and all signature pages need to be signed
20 and notarized.

21 After the deponent has completed the above,
22 please return all signature pages and errata
23 sheets to me at the above address, and I will
24 handle distribution to the respective parties.

20 If you have any questions, please call me at the
21 above phone number.
22 Sincerely,
23 Margaret Selina Court Reporter:
24 Signature Department Karen E. Dominick-Rigoni
CSR, RPR
cc: All parties.

65

67

1 of the testimony so given by said witness as
2 aforesaid.

3 I further certify that the signature
4 to the foregoing deposition was not waived by
5 counsel for the respective parties.

6 I further certify that the taking of
7 this deposition was pursuant to notice, and that
8 there were present at the deposition the
9 attorneys hereinbefore mentioned.

10 I further certify that I am not
11 counsel for nor in any way related to the
12 parties to this suit, nor am I in any way
13 interested in the outcome thereof.

14 IN TESTIMONY WHEREOF: I have
15 hereunto set my hand and affixed my signature
16 this 12th day of January, 2010.



21 *Karen E. Dominick-Rigoni*
22 KAREN E. DOMINICK-RIGONI, CSR, RPR
23 COOK COUNTY, ILLINOIS
24

66

17 (Pages 65 to 67)

McCorkle Court Reporters, Inc.
Chicago, Illinois (312) 263-0052

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EXHIBITS



Effective 10/2007

Page 1 of 1

Questions about this form? Contact UHRM Benefits:
E-mail: Benefits@uchicago.eduCFC: G
Supervisor's First Report - Workers' Compensation Claim of Injury/Illness

PLEASE PRINT

Department: POLICEDate Notified of Injury/Illness: 18 OCT 08Employee Name GALARZA, OSCAR A.Job Title: POLICE OFFICER Union: PBA

Date Hired to Present Position:

Last Day Worked: 18 OCT 08Date of Injury/Illness/Accident: 18 OCT 08Time: 2:38 am/pm M-F Accident: Y N

Specific Location of Accident: (address, building name, area in building or grounds):

1435 E, 53RD ST. (ON STREET)

How did the accident/injury/illness occur:

OFFENDER WAS RESISTING A LAWFUL ARREST.What was the employee doing specifically at the time: ATTEMPTING TO EFFECT A LAWFUL ARREST.Were the activities within the scope, responsibilities, duties and course of employment: Y NList any equipment or tools being used at the time: HANDCUFFSIdentify contributing factors, if any at the time: OFFENDER RESISTED VIOLENTLY.List all injuries, where on the employee's body or nature of illness: COMPLAINT OF PAIN/SORENESS IN BACK AND RIGHT SHOULDER.

List witnesses and co-workers present, include contact information:

OFCS L TORRES (773) 418 9762 — U/C0108OFCS G MOORE (773) 426-7404 —First person notified of injury/illness/accident: LTC S. WHITEUC Safety/Environmental Office notified: Y By: _____ Date: _____U/C0108GALARZAEXHIBIT NO. B11-09-09 KDREmployee sent for medical attention: Y ER or UCOM Clinic: ERForm completed by: ROBERT Y. CALLAHAN Title: SERGEANTSignature: Robert Y. Callahan Date: 18 OCT 08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHARLES BOYLE,)
v. Plaintiff,)
UNIVERSITY OF CHICAGO POLICE) No. 09 C 1080
OFFICER LARRY TORRES, et al.,)
Defendants.)

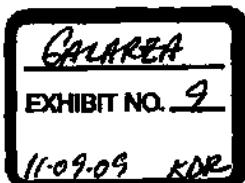
DEFENDANT GALARZA'S ANSWERS TO PLAINTIFF'S INTERROGATORIES

NOW COMES the Defendant, UNIVERSITY OF CHICAGO POLICE OFFICER GALARZA ("Galarza"), by and through his attorneys, Hinshaw & Culbertson LLP, and for his answers to Plaintiff's Interrogatories, states as follows:

PRELIMINARY STATEMENT

Defendant's responses to plaintiff's interrogatories are made solely for the purpose of this litigation. Any response made and any information provided by the defendant through these answers are subject to objections as to the competency, relevancy, materiality, propriety, or admissibility of the information sought in plaintiff's interrogatories and defendant's responses thereto. Any information provided through any answer or response is further subject to any and all other objections that would require the exclusion of any information provided herein if that information is sought to be elicited at any further proceeding including the trial of plaintiff's claims, and/or if the information identified herein is asked of or disclosed by a witness testifying at any further proceeding. All of the aforementioned objections are hereby expressly reserved and may be interposed at a later date.

Any answers or responses herein are based on present knowledge, information and are made without prejudice to the objections set forth herein. Defendant reserves the right to amend and/or supplement his responses at any time to introduce in



not identified herein if it should it become known at any time through further investigation, and defendant obtains additional or different information from that provided herein. Defendant expressly reserves the right to revise, correct, add to or clarify any answer, response and/or objections set forth below. Defendant further specifically reserves the right to rely upon such facts or documents and persons having knowledge of such facts or documents, as may be derived through future discovery or through his continuing investigation in this matter, or as may be adduced at trial.

Any answer or response set forth below is based on information presently available to defendant, and except for explicit facts expressly set forth herein, no incidental or implied admissions are intended thereby. The fact that defendant has answered, responded or objected to any paragraph of plaintiff's interrogatories or any part thereof, is not intended to be and should not be construed to be an admission by the defendant that he accepts or admits the existence of any facts set forth or assumed by said discovery requests, nor should it be construed as a waiver by the defendant of all or any part of objection to any request for production made by plaintiff. The fact that defendant has answered, responded to, or objected to any paragraph of plaintiff's interrogatories should not be taken as an admission that such answer, response or objection constitutes admissible evidence.

ANSWERS TO INTERROGATORIES

1. Please identify (including title) all persons who assisted in the responses to these interrogatories.

ANSWER: Oscar Galarza. My attorney, Steven Puiszis, consulted with me in preparing these answers.

2. Please identify all persons, including but not limited to police officers, who witnessed or have knowledge of the incident alleged in the Plaintiff's Complaint.

ANSWER: Objection, the defendant objects to Interrogatory No. 2 because it is vague and ambiguous in that it refers to "the incident alleged in plaintiff's Complaint." Plaintiff's claims include allegations concerning his arrest and the purported use of force against him as well as a state law claim of malicious prosecution. Therefore, the term "incident" as used in Interrogatory No. 2 is vague and ambiguous. Subject to that objection and without waiving same, Officer Clarence Moore and Larry Torres were the original two officers from the University of Chicago on the scene. After the University of Chicago dispatcher called for a 10-1, or officers in need of assistance, other University of Chicago officers responded to the scene including Oscar Galarza, Michael Kwiatkowski, and Arthur Gillespie. Galarza, Kwiatkowski and Gillespie assisted Torres and Moore at some point in getting the plaintiff to the ground and then handcuffing him. I injured my shoulder in the process, Officer Moore injured his wrist and Officer Gillespie was kicked in the head by the plaintiff, breaking his glasses.

Other officers from the University of Chicago also responded and would have seen the plaintiff either on the ground or in handcuffs or being escorted to a City of Chicago squad car for transportation. Officer Gerald Johnson and a Lieutenant White from the University of Chicago Police Department were on the scene at some point.

Officers from the City of Chicago would have also responded to the scene in connection with a call for assistance and would have transported Charles Boyle to the local police station for processing and would have prepared his paperwork. They would have included Officers Darling and Martin. Other offices from the City of Chicago may also have responded as well, I don't know their names. I believe there were other individuals who were at the scene who may or may not have witnessed some or all of what transpired, including an Ashley Glover, Kenneth Roberson and Steven Sinclair. The defendant's investigation continues.

3. Please identify all persons, including but not limited to police officers, who are believed by defendant to have knowledge supporting Defendant's denials of Plaintiff's allegations. Briefly summarize what knowledge Defendant believes each person may possess.

ANSWER: Objection, defendant objects to this Interrogatory on the grounds that it seeks attorney work-product and is vague and ambiguous in that it seeks parties to identify anyone believed "to have knowledge supporting the defendant" and also asks for a summary of "what knowledge" this defendant "believes each person may possess." That information is more proper the subject of a deposition and to require the provision of such a summary is overbroad, harassing and unduly burdensome. Subject to those objections and without waiving same, see those individuals listed in Interrogatory No. 2 and defendants who were identified in the University of Chicago defendants' Rule 26 Disclosures. The University of Chicago officers would have knowledge of their activities at the scene of the occurrence and subsequent thereto.

4. Identify all police officers who were present at or near 1435 East 53rd Street, Chicago, Illinois 60615 at the time of the incident alleged in the complaint, and for each such officer indicate the following:

- a. Why he/she was at that location;
- b. Whether he/she had any physical contact with Plaintiff;
- c. Whether he/she participated in the arrest of Plaintiff;
- d. Whether he/she participated in the search of Plaintiff;
- e. Whether he/she had any participation in the bringing of criminal charges against Plaintiff.

ANSWER: Objection. Defendant objects to this Interrogatory as being vague and ambiguous in that it refers to the incident alleged in the Complaint and plaintiff's claims against the defendant include assertions relating to his arrest and to the purported use of force against him as well as a state law claim of malicious prosecution. Subparagraph (e) is vague and ambiguous in that you fail to define what you mean by "any participation in the bringing of the

criminal charges." Subject to those objections and without waiving same, see my answer to Interrogatory No. 2.

Officers Moore and Torres had just stepped out of a Dunkin Donuts after getting coffee when they observed a vehicle drive past them with its horn continuously blowing and then observed the vehicle abruptly swerve to the curb and bump it. They initially investigated what was happening. The other officers from the University of Chicago responded to a dispatch indicating that Officers Moore and Torres needed assistance. The University of Chicago officers Moore and Torres initially attempted to handcuff the plaintiff who refused to allow himself to be handcuffed and the other officers including Aguilar, Kwiatkowski and Gillespie assisted in attempting to get the plaintiff onto the ground and handcuffed.

Officers Moore and Torres would have explained what happened at the scene of the incident to City of Chicago officers who would then prepare the arrest paperwork and any Complaints would have been signed by either Officer Moore or Officer Torres.

5. If there were any investigations, including, but not limited to, an internal affairs, or O.P.S., investigation, relating to the incident alleged in Plaintiffs' Complaint, please state who conducted and/or took part in it, and state and describe its findings.

ANSWER: I do not personally know of any such investigation. However, my attorneys are aware that the plaintiff, using an alias, Charles Boyle made a complaint apparently under the name Charles D'Angelo.

Sergeant Kevin Murray was principally involved in the investigation of that complaint. Sergeant Chisem of the University of Chicago would also have knowledge concerning plaintiff's complaint using the name of Charles D'Angelo, and Investigator Salvatore of the Independent Police Review may have knowledge of a conversation with the plaintiff in which he refused to tell him about the incident and said "he had another way he was going to deal with this" or words to that effect.

Ultimately, the complaints filed by Plaintiff under the name of Charles D'Angelo were "unfounded" because of his refusal to participate in the investigation. Sergeant Murray's efforts to speak with the plaintiff are outlined in letters and in transcripts of phone calls that he made, copies of which were produced by the defendants and Bates stamped numbers U-C0001-0039.

6. State whether you sustained any physical injury during your interaction with plaintiff on or about October 18, 2008. If yes, describe your injury. Additionally, if you received any medical treatment of your injury state the date(s) of your treatment and identify the medical provider(s).

ANSWER: Yes, I injured my shoulder in this occurrence. I went to the University Hospital where x-rays were taken. I was given pain medication and was told to stay off of work for several days. I used ice packs on my shoulder for sometime following the incident. I understand that Officer Moore injured his wrist and Officer Gillespie was also kicked in the head and his glasses were broken in the incident. I do not know if they received any treatment.

7. Please state and describe your understanding of the policies and customs which govern the writing of any kind of log and/or report including, but not limited to, complaint report, arrest report, search report, property report, supplemental report, or otherwise, (1) when an individual is arrested for interfering with a public officer — resisting/obstructing/disarming an officer and (2) when the custody of an arrestee is transferred to the City of Chicago Police Department. Included in this response, must be when a log, report, or other document is to be written, on what type of form it is to be written, and what facts are to be put in such log, reports, or other document.

ANSWER: Objection. This interrogatory is vague and ambiguous in that it asks for "policies or customs" governing the writing of reports, logs, etc. Over that objection and without waiving same, my understanding is that any report I write should be an accurate summary of an event as best as I can recall it. Because it is only a summary, it cannot include all of the facts and may not incorporate facts that others deem important when reviewing an incident well after the fact. I am not aware of anything specific as it relates to interfering with a police officer or resisting or obstructing a police officer other than may report should be an accurate summary. University of Chicago employees are permitted to detain individuals who commit crimes and we

turn any such person over to the Chicago Police who will then transport that person to a local police station and process that person, including taking booking photos, filling out arrest reports, filing criminal complaints and seeking approval by the State's Attorney working felony review of felony charges. While University of Chicago employees write out our own reports, we do not prepare criminal complaints and do not process an arrestee during the booking process.

8. Please state how long and in what capacity you have been employed by the University of Chicago Police Department. Your response should include a brief description of your change in assignments and/or rank if any, and when those changes occurred. Your response should also include whether you were concurrently employed by the City of Chicago as a police officer at any time during your employment with the University of Chicago Police Department.

ANSWER: On the date of the incident involving Charles Boyle, I had been employed by the University of Chicago for approximately 15 months.

9. Please describe your assignment with the University of Chicago Police Department on October 18, 2008. Your response should include the actual time you began and ended your duties.

ANSWER: On October 18, 2008, I was working for the University of Chicago Police Department as a patrol officer on the midnight shift. My assignment was 101.

10. State the case number, caption, and jurisdiction of all civil cases in which you were named a defendant during the course of your employment with the University of Chicago Police Department and/or the City of Chicago Police Department.

ANSWER: Defendant objects to this Interrogatory in that it is overbroad, unduly burdensome, harassing, and not designed to lead to the discovery of relevant or admissible information in that it seeks information about all civil cases in which I was named a defendant irrespective of whether a lawsuit was filed against me in a capacity other than as police officer. Additionally, the Interrogatory is overbroad, unduly burdensome, and not designed to lead to the discovery of relevant information since it does not seek information about other lawsuits that are substantially similar in nature. Subject to those objections and without waiving same, I have

never worked for the Chicago Police Department and I have never been previously sued in my capacity as a University of Chicago Police officer.

11. Identify all complaints (and the names of all complainants), including but not limited to, complaints of false arrests, excessive use of force, unlawful search and/or seizure, perjury, malicious prosecution, or general misconduct which have been lodged against you during the course of your career with the University of Chicago Police Department. Your response should list each number, such as complaint register number, that has been assigned to each complaint, indicate when each investigation was concluded, and state the nature of punishment, if any, received by the defendant as a result of the complaint.

ANSWER: Defendant objects to this Interrogatory in that it is overbroad, unduly burdensome, harassing, and not designed to lead to the discovery of relevant or admissible information in that it seeks information about all civil cases in which I was named a defendant irrespective of whether a lawsuit was filed against me in some capacity other than as police officer. Additionally, the Interrogatory is overbroad, unduly burdensome, and not designed to lead to the discovery of relevant information since it does not seek information about other complaints that are substantially similar in nature. Subject to those objections and without waiving same, there have been no complaints that have been sustained against me with the University of Chicago.

12. Identify all documents, notes, memoranda, or other writings, including internal investigations statements, police reports, and inter-agency memos which you wrote which relate or refer to the Plaintiff and/or the incident alleged in the Plaintiff's complaint.

ANSWER: Any report, memo or other document which I prepared or wrote would contain my signature at some place on the document. My attorney has informed me that he has produced documents to your attention Bates stamped numbers U/C001-0079. Please see those documents for any that bear my signature.

13. State whether you gave any statement, oral, written or tape recorded, signed or unsigned to an investigator (internal or otherwise) in connection with the incident alleged in the complaint. If yes, state the current location of each original statement.

ANSWER: I did not make any such statement, other than speaking to my attorney and my conversations with my attorney which are privileged from disclosure.

14. State the name and current or last known address of each and every individual you may call as a witness in the trial of this matter.

ANSWER: Defendant objects to Interrogatory No. 14 on the basis that it is premature and seeks work product. Subject to and without waiving said objection, this defendant states this is unknown to me at this time.

15. State whether you ever testified in any court proceeding relating to your interactions with plaintiff on October 18, 2008. If yes, state the date, courtroom, nature of court proceeding, and case number(s) associated with said testimony.

ANSWER: No.

16. State whether you performed any duties of any kind as a University of Chicago Police Officer on January 20, 2009 and/or December 6, 2008. If yes, state the hours you performed your duties, and the location(s) where these duties were performed.

ANSWER: Defendant objects to this Interrogatory in that he was never subpoenaed to Court and, therefore, his duties as an Officer for the University of Chicago on January 20, 2009 and/or December 6, 2008 are irrelevant and immaterial. Defendant further objects to this Interrogatory as overbroad and harassing and seeks information not reasonably calculated to lead to the discovery of admissible evidence.

17. State each and every fact that explains each affirmative defense set forth in your answer to the complaint. Identify all witnesses who support each affirmative defense, if any, and state the subject matter of each witness' knowledge.

ANSWER: Objection. This Interrogatory calls for attorney work product. Defendant further objects to this Interrogatory as overbroad and unduly burdensome and because it seeks information outside of my personal knowledge and calls for a legal conclusion. Defendant further objects that it is unduly burdensome and harassing. Subject to those objections and without waiving same, see the information disclosed in the University of Chicago Defendant's Rule 26(a)(1) Disclosures as well as information disclosed in connection with the University of

Chicago Defendants' Response to Plaintiff's Production Request and these Answers to Interrogatories.

By: Oscar Galarza
Officer Oscar Galarza

SUBSCRIBED AND SWEARN TO
before me this 20 day of
July, 2009.

Notary Public

